



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/054,513

11/13/2001

Michael Yeung

66329/20690

4770

23380 7590 12/10/2008
TUCKER ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1414

EXAMINER

PHUNG, LUAT

ART UNIT

PAPER NUMBER

2416

NOTIFICATION DATE

DELIVERY MODE

12/10/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
christopher.luoma@tuckerellis.com

Office Action Summary	Application No. 10/054,513	Applicant(s) YEUNG ET AL.	
	Examiner LUAT PHUNG	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22,24-30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22,24-30,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on August 27, 2007 have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The rejections and/or objections in this office action are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

2. On page 6, applicant's representative argues that:

In both claims [18 and 26], a document processing operation is not commenced until the complete document has been transmitted, as evidenced by an end-of-file marker. No art of record teaches this limitation.

Examiner respectfully disagrees because:

As a recap of the rejection of claims 18 and 26, Treadwell from the same or similar fields of endeavor discloses a method for transmitting files from a device to a remote machine on a network (col. 1, lines 58+), whereas data are retrieved from secondary data storage device and placed in a buffer (col. 2, lines 30+), are sent one block at a time until all data from file had been sent (Fig. 4, elements 104, 124, 128; col. 10, lines 33+), and file data include file identification and control information marking the end of the transmitted file data (col. 2, lines 63+). I.e., data are placed in storage until an end-of-file is encountered. In Treadwell, an "event" signal is sent to notify file transmission is complete. (col. 10, lines 14+) Clearly the information marking the end

Art Unit: 2416

of the transmitted file data is the same as the end of file marker that is used to determine when the complete document has been transmitted.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 27, 2007 has been entered.

Claim Objections

4. Claim 32 is objected to because of the following informalities:

Claim 32, line 2, recites "... further the step"; --comprising-- should be added after "further".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2416

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 18-21, 24-29, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strierner (U.S. 6,931,463) in view of Treadwell III et al (U.S. 5,845,280).

Regarding **claims 18 and 26**, Strierner discloses a system for wireless connection to a document processor (col. 5, line 30; printer having Bluetooth interface) comprising:

a document processor; (Fig. 4, Companion Device 490; col. 5, line 30; printer) means adapted for configuring a virtual serial port (Fig. 4, Local Wireless Interface 480) on each of a plurality of associated data processing devices (Fig. 4, element 410; col. 4, lines 22+; electronic device such as mobile phone or PDA) so as to

Art Unit: 2416

be associated with a Bluetooth transceiver corresponding thereto; (col. 5, lines 15+; local wireless interface being Bluetooth interface)

monitoring means adapted for detecting a presence of each of a plurality of concurrent Bluetooth data communications directed to the document processor, each Bluetooth data communication being initiated by a corresponding associated data processing device of a plurality thereof; (col. 4, lines 55+; col. 5, lines 28+; method beginning with electronic device link to companion device via local wireless interface; printer identifying itself, mobile phone detecting when it comes in range of printer and establishing link)

receiver means adapted for receiving a request data packet directed to a virtual serial port on each associated data processing device (col. 5, lines 28+; a request, for example, to print e-mail or other text information by mobile phone), each request packet including data representative of a corresponding request of document processing services directed to the document processor, upon a detection thereof by the monitoring means; (Fig. 5, element 520; col. 5, lines 28+; mobile phone sending request to printer to print, for example, e-mail or other text information)

transmitter means adapted for broadcasting via Bluetooth a response packet responsive to each associated data processing device upon successful receipt of a request data packet therefrom; (Fig. 5, element 540, 520; col. 4, lines 55+; col. 5, lines 15+; companion device transmitting processed data, i.e., response packet, after receiving and processing data, i.e., request data, from electronic device; Bluetooth being the preferred interface between electronic device and companion device; it is well

Art Unit: 2416

known to one of ordinary skill in the art at the time of the invention that
www.bluetooth.com as recited in col. 5, line 40 discloses request-response protocol for
establishing a Bluetooth communication)

the receiver means including means adapted for receiving via Bluetooth, from
each associated data processing device, at least one corresponding data packet
comprising an electronic document corresponding to requested document processing
services; (col. 5, lines 28+; printer receiving, via Bluetooth interface, e-mail and other
text information, i.e., electronic document, from mobile phone, i.e., data processing
device; printing being requested document processing service)

storage means adapted for storing each received data packet corresponding to
each electronic document in a data buffer corresponding thereto; (col. 5, lines 28+;
printer; it is well known to one of ordinary skill in the art at the time of the invention that
printer includes memory for storage of documents to be printed)

Strierner discloses all of the subject matter except:

*means adapted for terminating storage of received data packets in the data
buffer corresponding to each associated electronic document upon receipt of a data
packet inclusive of end-of-file request associated therewith; and*

*document output means adapted for commencing of processing of data for each
electronic document in the data buffer in accordance with requested document
processing services upon receipt of a corresponding end of file request.*

Treadwell from the same or similar fields of endeavor discloses a method for
transmitting files from a device to a remote machine on a network (col. 1, lines 58+),

Art Unit: 2416

whereas data are retrieved from secondary data storage device and placed in a buffer (col. 2, lines 30+), are sent one block at a time until all data from file had been sent (Fig. 4, elements 104, 124, 128; col. 10, lines 33+), and file data include file identification and control information marking the end of the transmitted file data (col. 2, lines 63+). I.e., data are placed in storage until an end-of-file is encountered. In Treadwell, an "event" signal is sent to notify file transmission is complete. (col. 10, lines 14+) Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to store the data to be processed until the whole document has been retrieved as suggested by Treadwell in the printing network using Bluetooth interface of Striemer. The motivation for doing so would have been to carry out processing of the request.

Regarding **claims 19 and 27**, Striemer further discloses further comprising means adapted for assigning a port to the document processor in accordance with a received request data packet wherein the port is available for receiving Bluetooth data communications from a plurality of associated data processing devices. (Fig. 4, Local Wireless Interface 492 in Companion Device 490; col. 4, lines 29+)

Regarding **claims 20 and 28**, Striemer further discloses wherein the data processing device includes cellular telephones, portable messaging devices, personal digital assistants, and computing devices. (Fig. 4, element 410; col. 4, lines 22+)

Regarding **claims 21 and 29**, Striemer further discloses wherein the document processor is a printing device. (Fig. 4, element 490; col. 5, lines 28+)

Regarding **claims 24 and 32**, Striemer further discloses further comprising means adapted for receiving configuration parameters for the document processor for processing the requested document processing services. (col. 5, lines 1-40)

Regarding **claims 25 and 33**, Striemer further discloses wherein the monitoring means includes means adapted for periodically detecting a presence of a Bluetooth data communication. (col. 5, lines 28+; Bluetooth interface automatically detecting presence of printer within range; www.bluetooth.com)

9. Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Striemer in view of Treadwell, and further in view of Mukaiyama et al (U.S. Pub. 2002/0138557).

Regarding **claims 22 and 30**, the combination of Striemer and Treadwell discloses all of the subject matter as recited previously in this office action except:

wherein the request data packet includes data representative of a uniform resource locator associated with an electronic document, and wherein the receiver means includes means adapted for accessing the uniform resource locator and downloading the associated electronic document therefrom.

Mukaiyama from the same or similar fields of endeavor discloses using the URL to retrieve content to be printed (para. 218). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to specify the location of document using the URL as suggested by Mukaiyama in the printing network using

Art Unit: 2416

Bluetooth interface of Strierner and Treadwell in order to provide a flexibly means to obtain the document to be printed.

10. Claims 18 and 26 are alternately rejected under 35 U.S.C. 103(a) as being unpatentable over Strierner in view of Fritz et al (US 7,324,226).

Regarding **claims 18 and 26**, Strierner discloses all of the subject matter as previously recited above, except:

means adapted for terminating storage of received data packets in the data buffer corresponding to each associated electronic document upon receipt of a data packet inclusive of end-of-file request associated therewith; and

document output means adapted for commencing of processing of data for each electronic document in the data buffer in accordance with requested document processing services upon receipt of a corresponding end of file request.

Fritz from the same or similar fields of endeavor discloses a method of printing in the Bluetooth protocol architecture (abstract; col. 1, 2) wherein print data is continually received in messages until all data to be printed is received by the printer server (Fig. 13b; col. 11, lines 6+) Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to store the data to be printed at the print server until all the data have been retrieved as suggested by Fritz, in the printing network using Bluetooth interface of Strierner. The motivation for doing so would have been to determine when all the data are available to be printed.

Art Unit: 2416

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUAT PHUNG whose telephone number is (571) 270-3126. The examiner can normally be reached on M-Th 7:30 AM - 5:00 PM, F 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. P./

Examiner, Art Unit 2416

Application/Control Number: 10/054,513

Page 11

Art Unit: 2416

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2416